

H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4963. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 4940 submitted by Mr. DODD and intended to be proposed to the amendment SA 4901 proposed by Mr. THOMPSON (for Mr. GRAMM (for himself, Mr. MILLER, Mr. THOMPSON, Mr. BARKLEY, and Mr. VOINOVICH)) to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4964. Mr. NELSON, of Nebraska (for himself, Mr. HARKIN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 124, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4962. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 4902 proposed by Mr. LIEBERMAN (for himself, Mr. MCCAIN, and Mr. NELSON of Nebraska) to the amendment SA 4901 proposed by Mr. THOMPSON (for Mr. GRAMM (for himself, Mr. MILLER, Mr. THOMPSON, Mr. BARKLEY and Mr. VOINOVICH)) to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the pending amendment No. 4902 and insert in lieu thereof the following:

Notwithstanding any other provision of this Act, section 1314 of the Thompson amendment is null and void, and shall have no effect.

SA 4963. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 4940 submitted by Mr. DODD and intended to be proposed to the amendment SA 4901 proposed by Mr. THOMPSON (for Mr. GRAMM (for himself, Mr. MILLER Mr. THOMPSON, Mr. BARKLEY and Mr. VOINOVICH)) to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the pending amendment No. 4940 and insert in lieu thereof the following:

Notwithstanding any other provision of the Thompson amendment is null and void, and shall have no effect.

SA 4964. Mr. NELSON of Nebraska (for himself, Mr. HARKIN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 124, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ EMERGENCY AGRICULTURAL ASSISTANCE.

(a) CROP DISASTER ASSISTANCE.—

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the "Secretary") shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this subsection available to producers on a farm that have

incurred qualifying crop losses for the 2001 or 2002 crop, or both, due to damaging weather or related condition, as determined by the Secretary.

(2) ADMINISTRATION.—The Secretary shall make assistance available under this subsection in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(3) CROP INSURANCE.—In carrying out this subsection, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(b) LIVESTOCK ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation as are necessary to make and administer payments for livestock losses to producers for 2001 or 2002 losses, or both, in a county that has received a corresponding emergency designation by the President or the Secretary, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(2) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall—

(1) use such sums as are necessary to carry out this section; and

(2) transfer to section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), an amount equal to the amount of funds under section 32 of that Act that were made available before the date of enactment of this Act to provide disaster assistance to crop and livestock producers for losses suffered during 2001 and 2002, to remain available until expended.

(d) REGULATIONS.—

(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this section.

(2) PROCEDURE.—The promulgation of the regulations and administration of this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(e) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The entire amount made available under this section shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and

Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(2) DESIGNATION.—The entire amount made available under this subsection is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

(f) BUDGETARY TREATMENT.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the Committee of Conference accompanying Conference Report No. 105-217, the provisions of this section that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) were it included in an Act other than an appropriation Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following calendar numbers: No. 1177 and No. 1179; that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

THE JUDICIARY

Michael W. McConnell, of Utah, to be United States Circuit Judge for the Tenth Circuit.

DEPARTMENT OF JUSTICE

Kevin J. O'Connor, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years.

NOMINATION OF MICHAEL W. MCCONNELL

Mr. HATCH. Mr. President, it is my high honor and privilege to speak on the confirmation of Professor Michael McConnell to the Tenth Circuit Court of Appeals. Professor McConnell is a Utahn, a scholar of the highest talent, and a man of profound integrity and judicial temperament.

Professor McConnell holds the prestigious Presidential Professorship at the University of Utah College of Law in Salt Lake City. He began his legal career at the University of Chicago Law School, where he was Comment Editor of the Law Review and graduated Order of the Coif. Thereafter he served as a law clerk for two of the leading liberal jurists of the 20th century: Supreme Court Justice William J. Brennan, Jr. and D.C. Court of Appeals Judge J. Skelly Wright.

After completing those clerkships, Mike became Assistant General Counsel of the Office of Management and Budget and then served as Assistant to the Solicitor General. He then joined